IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 11328 of 2004

Between:

Kokkonda Sitambaram, S/o Ramalingam ,Lingapalem Village & Mandal, West Godavari District.

..... PETITIONER

AND

1 The District Collector, West Godavari District, Eluru.
2 The Revenue Divisional Officer, Eluru, W.G. District.
3 Mandal Revenue Officer, Lingapalem Village & Mandal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ in the nature of Writ of Mandamus, direction or order directing the respondents not to dispossess the Petitioner from his thatched hut bearing Assessment No. 266 on the land located at the junction of the roads of Lingapalem Village and Mandal, West Godavari District without following due process of law

Counsel for the Petitioner: MR.B.V.L.N.KISHORE

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed by the petitioner, aggrieved by the action of the respondents in proposing to evict and dispossess the petitioner from his thatched house bearing Assessment No.266, located at a junction of the road in Lingapalem village and Mandal, West Godavari District.

2. According to the petitioner, he is a poor Artisan-cum-APSRTC Porter of the said village. He has occupied a small portion of the land belonging to Government, where he has raised a thatched hut and living therein since several years. However, the respondents, without initiating any legal proceedings, sought to dispossess the petitioner. Therefore, the petitioner has come up with the present writ petition.

3. The learned counsel for the petitioner also contended that the thatched house, which was constructed by the petitioner was even assessed to property tax by the Gram Panchayat, by assigning Assessment No.266. The petitioner was also recognised as a beneficiary under “Amtyodaya Anna Yojana” scheme. The petitioner was also granted ration cards by the Civil Supplies Department with the same address where the petitioner has constructed his thatched house. In spite of all these, without issuing any notice, the respondents are taking steps to evict the petitioner. Hence, the present writ petition.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

5. This writ petition is disposed of at admission stage, directing the respondents that if they have decided to evict the petitioner from the hut where he is residing, they can do so only by following the procedure contemplated under law, but not without recourse to law. No costs.

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06.07.2004

VGB

To

1 The District Collector, West Godavari District, Eluru.
2 The Revenue Divisional Officer, Eluru, W.G. District.
3 Mandal Revenue Officer, Lingapalem Village & Mandal.

4 2 CCs to the Govt. Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

5 2 CD copies